



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | |
|----------------------|-------------------|
| Attorney Docket No. | P02215US (2240/3) |
| Application Number | 10/763,976 |
| Filing Date | JANUARY 23, 2004 |
| First Named Inventor | JEROME S. HARMS |
| Group Art Unit | 1653 |
| Examiner | |

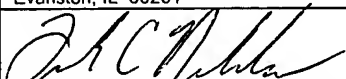
ENCLOSURES (check all that apply)

| | | |
|--|--|---|
| <input checked="" type="checkbox"/> Response to a Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures Dated July 29, 2004 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Extension of Time Request (duplic) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | <input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Post Card Receipt <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures <input checked="" type="checkbox"/> Master Sequence List <input checked="" type="checkbox"/> Computer readable form (CRF) copy of the Sequence Listing in compact disk media format ISO 9660 |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed. | | |
| <input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed. | | |

CALCULATION OF FEE

| | | | | Small Entity | | or | Large Entity | |
|---|------------------------|-------|---------------------------------|---------------|-----------------|-----------|-----------------|-----------|
| | Claims After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | Rate | Add'l Fee |
| Total | | Minus | | | x \$9= | 0 | x \$18= | |
| Indep. | | Minus | | | x \$43= | 0 | x \$86= | |
| First Presentation of Multiple Dep. Claim | | | | | +\$145= | --- | +\$290= | |
| | | | | | total add'l fee | \$ 0 | total add'l fee | \$ |

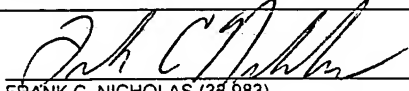
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

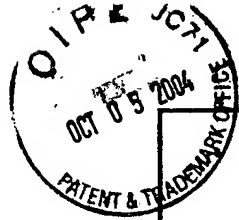
| | | | |
|-------------------------|---|------|--------------------|
| Firm or Individual name | FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201 | | |
| Signature |  | Date | September 27, 2004 |

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22202-1450 on this date:

September 27, 2004

| | | | |
|-----------|---|-------|--------------------|
| Signature |  FRANK C. NICHOLAS (33,983) | Date: | September 27, 2004 |
|-----------|---|-------|--------------------|



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| First Named Inventor | JEROME S. HARMS |
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| Examiner | |

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| Total | | Minus | | |
| Indep. | | Minus | | |
| First Presentation of Multiple Dep. Claim | | | | |

| Small Entity | | or | Large Entity | |
|-----------------|-----------|----|-----------------|-----------|
| Rate | Add'l Fee | | Rate | Add'l Fee |
| x \$9= | 0 | | x \$18= | |
| x \$43= | 0 | | x \$86= | |
| +\$145= | --- | | +\$290= | |
| total add'l fee | | | total add'l fee | |
| \$ 0 | | | \$ | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|-------------------------|---|------|--------------------|
| Firm or Individual name | FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201 | | |
| Signature | | Date | September 27, 2004 |

CERTIFICATE OF MAILING

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|---|--------------------------------|--------------------------|
| I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22202-1450 on this date: | | September 27, 2004 |
| Signature | FRANK C. NICHOLAS (33,983) | Date: September 27, 2004 |



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September 27, 2004

(Date of Deposit)

FRANK C. NICHOLAS (33,983)
Name of applicant, assignee or registered representative

Frank C. Nicholas
Signature

September 27, 2004
Date of Signature

Case No. **P02215US**
(2240/3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
JEROME S. HARMS, ET AL.)
Serial No.: 10/763,976)
Filed: JANUARY 23, 2004)
Title: INDUCIBLE PROTEIN EXPRESSION)
SYSTEM)

Examiner:

Group Art Unit: 1653

RESPONSE TO A NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES DATED JULY 29, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

To Whom It May Concern:

This is a response to a Notice to Comply dated July 29, 2004. The Applicants respond as follows:

-- REMARKS --

A Notice to Comply was mailed to the Applicants on July 29, 2004. The Notice pertains to the requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures. In an effort to fulfill the obligations of the Notice, the Applicants hereby submit sequences corresponding to the thirteen SEQ ID NOs and the FIGS. of the Application. Applicants request that the Application be amended to include these Sequence Listings and that the amendment be entered into the Application.

Applicants have provided an initial computer readable form (CRF) copy of the Sequence Listing in compact disk media format ISO 9660. The content of the sequence listing provided in computer readable form is identical to the written sequence provided on compact disc. The sequence listing does not include new matter.

Accordingly, the Application now stands complete and in compliance with the requirements of 37 CFR 1.821 – 1.825.

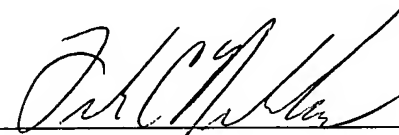
SUMMARY

The Applicants submit herein sequence listings thereby bringing the Application in compliance with 37 CFR 1.821 – 1.825.

Dated: September 27, 2004

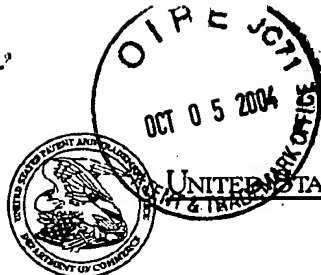
Respectfully submitted,
JEROME S. HARMS, ET AL.

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Phone: (847) 905-7111
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Frank C. Nicholas
Registration No. 33,983
Attorney for Applicants

JFW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/763,976 | 01/23/2004 | Jerome S. Harms | P02215US (2240/3) |

CONFIRMATION NO. 7883

FORMALITIES LETTER



OC000000013369459

Frank C. Nicholas
 CARDINAL LAW GROUP
 Suite 2000
 1603 Orrington Avenue
 Evanston, IL 60201

Date Mailed: 07/29/2004

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

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